

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 96-121

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

Since the title to s. PI 11.10 (3) is not being amended in SECTION 7 of the rule, there is no need to cite or refer to the “title” of the SECTION.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the title to s. PI 11.08 (6), the reference to “HEARING OFFICERS” should be changed to “HEARING OFFICER.”

b. Section PI 11.10 (2) would be clearer if the phrase “requesting a hearing” were added to the end of the first sentence. The phrase is in the current rule.

c. The last sentence of s. PI 11.10 (3) (a) is not clear. The meaning is clarified to some extent by changing the term “initiating” to “initiates.” However, the agency should review the provision to ensure that it properly conveys the intended requirements.

d. Section PI 11.10 (3) (c) provides that a hearing officer must issue an order “dismissing the hearing” if a case is settled or withdrawn. Would it be more appropriate to require dismissal of the “case” or “the hearing and the case”?

e. The last sentence of s. PI 11.10 (4) is not clearly drafted. It would appear that the words “for a” should have been stricken and the word “to” should not have been stricken. However, this provision should be reviewed carefully and drafted to reflect the intent of the agency.

f. Are there going to be enough eligible hearing officers to handle the expected work load if all of the hearing officers must complete a required “initial training program” approved by the department under s. PI 11.12 (2)?

g. It is not clear why the agency is proposing to repeal s. PI 11.13 (3) regarding alternative placements. An explanation of this aspect of the rule would be helpful.

h. The initial applicability section [SECTION 15] is drafted in a manner that permits the Revisor of Statutes to insert the applicability date, but it is not clear what date the Revisor is to insert. Is it the effective date? This should be clarified.